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INFO RUCNCIS/CIS COLLECTIVE
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RUEHKO/AMEMBASSY TOKYO 2234
RUEHIT/AMCONSUL ISTANBUL 2813
RUEHVEN/USMISSION USOSCE 3119
RHMFIUU/CDR USCENCOM MACDILL AFB FL
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
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UNCLAS SECTION 01 OF 03 ASHGABAT 001586

SIPDIS

SENSITIVE

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SUBJECT: INSTITUTE OF DEMOCRACY AND HUMAN RIGHTS PLANS
AMENDMENTS TO NGO LAW

REF: ASHGABAT 1547

1. (U) Sensitive but unclassified. Not for public Internet.

2. (SBU) SUMMARY: After the November 17-18 USAID-supported roundtable on Improving Turkmenistan's Legislation on Public Organizations (reftel), the Institute of Democracy and Human Rights under the President of Turkmenistan (IDHR) and the International Center for Not-for-Profit Law (ICNL) developed a practical action plan for introducing changes to existing legislation in this area. The first step is for USAID/ICNL to work with the Interministerial Commission on Bringing Turkmen Legislation in Compliance with the International Standards in February 2009 to identify and propose specific amendments, which the IDHR indicated will be passed to Parliament for consideration in spring 2009. Next, USAID/ICNL will organize a study-tour to Hungary in April 2009 for government representatives to review European practices on regulating non-governmental organizations (NGOs). Finally, USAID/ICNL will continue to provide information on international best practices on NGO legislation, and jointly with IDHR, will publish a book of key NGO-related laws in Turkmenistan, including guidelines on how to establish and register a NGO in Turkmenistan. Taken collectively, this long-term work plan formalizes the constructive relationship between USAID's partner ICNL and IDHR, and sets out a path to creating an improved regulatory environment for NGOs in Turkmenistan. END SUMMARY.

ICNL TO DRAFT AMENDMENTS FOR INTERMINISTERIAL COMMISSION

3. (U) Following the November 17-18 roundtable, Institute of Democracy and Human Rights (IDHR) Director Shirin Ahmedova and Natalie Bourjaily, Vice President of USAID partner International Center for

Not-for-Profit Law (ICNL), agreed that in February 2009 Bourjaily would head a group of ICNL experts that would draft possible amendments to the existing Law on Public Organizations in cooperation with the IDHR and members of the Interministerial Commission on Bringing Turkmen Legislation in Compliance with the International Standards. The package of draft amendments will focus on provisions in the existing law that contravene Turkmenistan's international obligations (e.g., eliminating the prohibition on unregistered associations, reducing the number of required founding members from 500 to 10 or fewer, eliminating the authority of the Ministry of Adalat to dissolve NGOs without a court decision, confirming the right of foreigners to establish and to be members of NGOs, etc.).

¶4. (U) During the visit, Bourjaily will meet with members of Parliament, the Ministry of Justice, the Ministry of Economic Development, and the State Tax Service of Turkmenistan to discuss these and other measures for improving the legislation regulating public associations. Ahmedova said that the Interministerial Commission would submit the draft amendments to the Law on Public Associations to Parliament in spring 2009. (COMMENT: Draft legislation proposed by the Interministerial Commission receives serious consideration by Parliament and is often adopted without significant changes. ICNL believes that draft amendments could be adopted by summer 2009. END COMMENT)

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FOLLOWED BY STUDY TOUR TO HUNGARY

¶5. (U) In April 2009, USAID/ICNL will organize a study-tour to Budapest, Hungary for five government officials (e.g., one each from IDHR, Ministry of Justice, Institute of State and Law, Parliament, and Ministry of Foreign Affairs) to educate participants about European practices related to registration, supervision and government-support of NGOs. The study tour's objective is to generate greater understanding of and support for reforms that would improve the legal environment for NGOs in Turkmenistan.

¶6. (U) In July 2009, participants of the study tour will organize a roundtable for government officials and NGOs to discuss their experiences and to generate proposals to bring other Turkmen legislation into compliance with international standards and best practices. One possible outcome from this roundtable will be an agenda for further specific reforms (e.g., legislation to encourage the development of charitable organizations and philanthropy). Ahmedova said these proposals would be incorporated into the National Program for Improving the Environment for Human Rights in Turkmenistan, which serves as a workplan for Turkmenistan's government.

PROMOTE INFORMATION SHARING AND ACCESS TO LEGAL INFORMATION

¶7. (U) ICNL agreed to submit various articles on comparative law relating to NGOs for publication in the IDHR's magazine on human rights and democracy issues (three articles have already been submitted and are waiting to be published). In addition, the IDHR and ICNL will jointly publish a book containing the key legislation relating to NGO sector in Turkmenistan, along with guidelines on how to establish and register a NGO. This book would be the first of its kind since Turkmenistan's independence in 1992.

¶8. (U) The United Nations is currently establishing a resource center within the IDHR that includes a database of legislation. The resource center will provide NGOs, small businesses, and individuals with access to information and legislation. ICNL will provide copies of legislation governing NGOs and will supply books and publications in Russian to resource libraries being established by the IDHR, the Institute of State and Law, and the Institute of International Affairs.

¶9. (SBU) COMMENT: The work plan agreed to after the roundtable specifies how USAID/ICNL will cooperate with the IDHR and the Ministry of Justice to enable registration of new public organizations. Additional areas of cooperation will be agreed upon after the proposed amendments to the NGO law have been approved by Parliament. The scope and scale of possible cooperation will depend on future USAID funding levels.

¶10. (SBU) COMMENT CONTINUED: Following the roundtable, the IDHR director reiterated her strong desire to establish long-term cooperation with USAID/ICNL while implementing the reforms and other measures outlined above. By working with empowered government institutions like IDHR, the USG has a real chance to support an improved legislative environment for NGOs that results in greater opportunities for

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civic participation in Turkmenistan. Access to adequate funding for these activities is critical to demonstrate a similar commitment from the USG. END COMMENT.